

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

STATE OF TEXAS, et al.,

Plaintiffs,

V.

UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY, et al.,

Defendants,

BAYOU CITY WATERKEEPER,

**Intervenor-Defendant.**

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No. 3:23-cv-17 (consolidated  
with No. 3:23-cv-20)

## NOTICE OF APPEAL

Pursuant to 28 U.S.C. § 1292(a)(1), Defendants United States Environmental Protection Agency; Michael S. Regan, in his official capacity as Administrator of the U.S. Environmental Protection Agency; United States Army Corps of Engineers; Lieutenant General Scott A. Spellmon, in his official capacity as Chief of Engineers and Commanding General, U.S. Army Corps of Engineers; and Michael L. Connor, in his official capacity as Assistant Secretary of the Army (Civil Works) appeal to the United States Court of Appeals for the Fifth Circuit from the order entered on March 19, 2023 (Dkt. No. 60), which granted the State Plaintiffs’ motion for preliminary injunction.

Respectfully submitted,

TODD KIM  
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ENVIRONMENT AND NATURAL  
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**CERTIFICATE OF SERVICE**

I hereby certify that on May 17, 2023, I filed the foregoing using the Court's CM/ECF system, which will electronically serve all counsel of record registered to use the CM/ECF system.

/s/ Elliot Higgins